IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5588 OF 2005

Sajjad Hussain Haji Abdul Raheman..Petitioner.

Vs.

The Commissioner,
Malegaon Municipal Corporation,
Malegaon, Dist. Nashik & Ors. ..Respondents.

....

Mr. Amit Borkar for the Petitioner.

Mr. S.M. Sabrad for Respondent No.1.

Mr. R.D. Rane, Government Pleader for Respondent Nos.2, 3, 5, 6 and 7.

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CORAM : F.I.REBELLO &
DR.D.Y.CHANDRACHUD, JJ.

20th October, 2005.

P.C. :

1. Rule. Heard forthwith.

2. There is some inconsistency in the reply filed by Mr. Santosh D. Dhongade, Town Planner of

Respondent No.5 and the affidavit of Mr. Sharad Dharmaraj Randive, Assistant Director of Town Planning, Nasik as to the reservation on the plot. However, on oral clarifications at the bar, it is pointed out that in the original plan the user was residential, but in the draft development plan, it is shown as reserved for primary school and play ground.

3. The record also shows that a school has already been constructed. In these circumstances, Respondent No.1, if still requires the land, within six months from today, to take steps to acquire the land. In the event, it fails to take steps, it would be open to the Petitioner, to submit plans for the development of the property, and the Respondents would accordingly grant sanction. Rule made absolute to the above extent. There shall be no order as to costs.

(F.I.REBELLO, J.)

(DR.D.Y.CHANDRACHUD, J.)